

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of:

DONNA MARIE WAGONER

Former Employee and
Institution-Affiliated Party
of:

CRESTLINE FEDERAL SAVINGS AND
LOAN ASSOCIATION
CRESTLINE, OHIO (#04060)

OTS Order No. CHI-95-08

Dated: August 21, 1995

STIPULATION AND CONSENT TO ENTRY
OF AN ORDER OF PROHIBITION

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed DONNA MARIE WAGONER, former employee and institution-affiliated party of Crestline Federal Saving and Loan Association, Crestline, Ohio ("the Association"), that the OTS is of the opinion that grounds exist to initiate an administrative prohibition proceeding against DONNA MARIE WAGONER pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C § 1818(e)¹; and

WHEREAS, DONNA MARIE WAGONER desires to cooperate with the OTS to avoid the time and expense of such administrative

1. All references in this Stipulation and Consent and the Order of Prohibition to the U.S.C. are as amended.

litigation and, hereby stipulates and agrees to the following terms:

1. Jurisdiction.

(a) The Association was a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b), and Section 2(4) of the Home Owners' Loan Act ("HOLA"), 12 U.S.C. § 1462(4). Accordingly, it was an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

(b) DONNA MARIE WAGONER, as a former employee of the Association, is deemed to be an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u), having served in such capacity within six (6) years of the date hereof (see 12 U.S.C. § 1818(i)(3)).

(c) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q), the Director of the OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against such a savings association and/or its institution-affiliated parties. The Director of the OTS has delegated to the Regional Directors of the OTS the authority to issue an order of prohibition where the respondent has consented to the issuance of the order. Therefore, DONNA MARIE WAGONER is subject to the authority of the OTS to initiate and maintain a prohibition proceeding against her pursuant to Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

2. OTS Findings of Fact. The OTS finds that:

(a) On or about March 16, 1993, DONNA MARIE WAGONER did

willfully misapply something of value belonging to, and pledged to, Crestline Federal Savings and Loan Association, in an amount not in excess of \$100, in violation of 18 U.S.C. § 657.

Specifically, DONNA MARIE WAGONER misapplied a blue salvage title to a 1989 Ford Tempo, which had been pledged to Crestline Federal Savings and Loan Association as collateral for a loan.

(b) On or about November 23, 1994, DONNA MARIE WAGONER pled guilty to one count of "Misapplication of Funds", pursuant to 18 U.S.C. § 657;

(c) Judgment was entered against DONNA MARIE WAGONER on February 6, 1995, in the United States District Court for the Northern District of Ohio, Eastern Division.

3. Consent. DONNA MARIE WAGONER consents to the issuance by the OTS of the accompanying Order of Prohibition ("Order"). She further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality. The Order is issued by the OTS under the authority of Section 8(e) of the FDIA, 12 U.S.C. § 1818(e). Upon its issuance by the Regional Director or designee for the Central Region, OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i).

5. Waivers. DONNA MARIE WAGONER waives the following:

(a) the right to be served with a written notice of the

OTS's charges against her (referred to as a Notice of Intention to Prohibit) (see Section 8(e) of the FDIA);

(b) the right to an administrative hearing of the OTS's charges against her (see Section 8(e) of the FDIA); and

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by Section 8(h) of the FDIA, 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order.

6. Indemnification. DONNA MARIE WAGONER shall neither cause nor permit the Association (or any subsidiary thereof) to incur, directly or indirectly, any expense for any legal (or other professional expenses) incurred relative to the negotiation and issuance of the Order of Prohibition, nor obtain any indemnification (or other reimbursement) from the Association (or any subsidiary thereof) with respect to such amounts. Any such payments received by or on behalf of DONNA MARIE WAGONER in connection with this action shall be returned to the Association.

7. Other Government Actions Not Affected. DONNA MARIE WAGONER acknowledges and agrees that the consent to the entry of the Order is for the purpose of resolving this prohibition action only, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of DONNA MARIE WAGONER that arise pursuant to this action or otherwise, and that may be or have been brought by the Resolution Trust Corporation or any other government entity other than the OTS.

8. Acknowledgment of Criminal Sanctions. DONNA MARIE WAGONER acknowledges that Section 8(j) of the FDIA, 12 U.S.C. § 1818(j), sets forth criminal penalties for knowing violations of this Order.

WHEREFORE, DONNA MARIE WAGONER executes this Stipulation and Consent to Entry of an Order of Prohibition, intending to be legally bound hereby.

By:

Accepted By:
Office of Thrift Supervision

Donna Marie Wagoner
DONNA MARIE WAGONER

Ronald N. Karr
RONALD N. KARR
REGIONAL DIRECTOR
CENTRAL REGIONAL OFFICE

Dated: August 1, 1995

Dated: 8-21-95

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of:

DONNA MARIE WAGONER

Former Employee and
Institution-Affiliated Party
of:

CRESTLINE FEDERAL SAVING AND
LOAN ASSOCIATION
CRESTLINE, OHIO (#04060)

OTS Order No. CHI-95-08

Dated: August 21, 1995

ORDER OF PROHIBITION

WHEREAS, DONNA MARIE WAGONER has executed a Stipulation and Consent to Entry of an Order of Prohibition ("Stipulation") on August 7, 1995 ; and

WHEREAS, DONNA MARIE WAGONER, by her execution of the Stipulation, has consented and agreed to the issuance of this Order of Prohibition ("Order") by the Office of Thrift Supervision ("OTS"), pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e); and

WHEREAS, the Director of the Office of Thrift Supervision ("OTS") has delegated to the Regional Director of the OTS the authority to issue Orders on behalf of the OTS where there has been consent of the Respondent.

NOW THEREFORE, IT IS ORDERED that:

1. Due to the operation of Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(e)(6), DONNA MARIE WAGONER shall not:

(a) participate in any manner in the conduct of the affairs of the institutions and agencies set forth in paragraph 2 of this Order;

(b) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights with respect to the institutions and agencies set forth in paragraph 2 of this Order;

(c) violate any voting agreement previously approved by the "appropriate Federal banking agency" as defined in Section 3(q) of the FDIA, 12 U.S.C. § 1813(q); or

(d) vote for a director, or serve or act as an "institution-affiliated party", as defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u).

2. Due to the operation of Section 8(e)(7) of the FDIA, 12 U.S.C. § 1818(e)(7), DONNA MARIE WAGONER shall not continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of:

(a) any insured depository institution, as defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c);

(b) any institution treated as an insured bank under Sections 8(b)(3) or (b)(4) of the FDIA, 12 U.S.C. § 1818(b)(3) or (b)(4);

(c) any institution treated as a savings association under Section 8(b)(9) of the FDIA, 12 U.S.C. § 1818(b)(9), including:

- (i) any savings and loan holding company,
- (ii) any subsidiary of a savings and loan holding company,
- (iii) any service corporation of a savings association, or,
- (iv) any subsidiary of a service corporation, whether wholly or partly owned;

(d) any insured credit union under the Federal Credit Union Act (12 U.S.C. § 1751 et seq.);

(e) any institution chartered under the Farm Credit Act of 1971 (12 U.S.C. § 2001 et. seq.);

(f) any appropriate Federal depository institution regulatory agency;

(g) the Federal Housing Finance Board and any Federal Home Loan Bank; or

(h) the Resolution Trust Corporation.

3. Pursuant to Section 8(e)(7)(B) of the FDIA, 12 U.S.C. § 1818(e)(7)(B), the prohibitions of paragraphs 1 and 2 of this Order shall cease to apply with respect to a particular institution if DONNA MARIE WAGONER obtains the prior written consent of the OTS; the institution's "appropriate Federal financial institutions regulatory agency," as defined in Section

8(e)(7)(D) of the FDIA, 12 U.S.C. § 1818(e)(7)(D); and the FDIC, pursuant to Section 19 of the FDIA, 12 U.S.C. § 1829.

4. The Stipulation is made a part hereof and is incorporated herein by this reference.

5. Notice is hereby provided that a violation of this Order could subject DONNA MARIE WAGONER to the penalties specified in Section 8(j) of the FDIA, 12 U.S.C. § 1818(j).

6. DONNA MARIE WAGONER shall promptly respond to any request from the OTS for documents that the OTS reasonably requests to demonstrate compliance with this Order.

7. The OTS does not intend to, and nothing in the Order shall be interpreted to limit, in any manner, the full scope of the prohibition prescribed by Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

8. This Order shall become effective on the date it is issued, as shown in the caption above.

THE OFFICE OF THRIFT SUPERVISION
By:



RONALD N. KARR
REGIONAL DIRECTOR
CENTRAL REGIONAL OFFICE